



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,475	05/31/2001	Reto Preisig	SVL920010020US1	1554

7590 07/09/2004
John L. Rogitz
Rogitz & Associates
750 B Street, Suite 3120
San Diego, CA 92101

EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 07/09/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,475

Applicant(s)

PREISIG ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 4/27/04. Claims 1-32 are pending for examinations

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8-21, 23-28, 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkar (USP 6,418,448).

As per claims 1 and 17, Sarkar discloses a method for permitting a client to access a database system on a server via an Internet connection comprising:

providing middleware (fig. 3, XML/RDF IntegrationMiddleware, Resource Description Framework, hereafter "RDF") communicating with the client (thin client) and server (remote database) (col. 5, lines 56-63);

the middleware including at least one file (fig. 14, specifications for data/metadata), the file having at least one parameterized database system query language statement (select statement, SQL represents in RDF against a unified virtual database, specifications for SQL queries with embedded business application logic could be either represented in XML/RDF documents or such queries for transactions) (abstract, col. 5, lines 59-61);

in response to a client request for data (requests from the buyers, web browser enables a client to interact with any information source over the internet) (col. 8, lines 54-55, col. 9, line 61) accessing the file (RDF, information to and from is represented in XML and RDF format) (col. 8, lines 62-63); and

using the parameterized statement to return data satisfying the request to the client (and confirmation message is sent back to buyer's mailbox) (col. 9, lines 62-63) .

As per claim 2, Sarkar teaches wherein the database system query language is SQL (col. 6, line 50).

As per claim 3, Sarkar teaches wherein the data satisfying the request is sent via Hypertext Transfer Protocol (HTTP) (HTTP, col. 10, lines 15-16) in Extensible Markup Language (XML) (XML/RDF, col. 10, lines 17-37).

As per claims 4-6, Sarkar teaches wherein the parameterized statement facilitates a query for data, an update to the database system, an SQL stored procedure call col. 3, lines 51-54, col. 7, lines 2-4).

As per claims 8-10, 19-21, Sarkar teaches wherein the middleware further comprises: at least one router receiving (accepting) the client request; and the router including at least one servlet (fig. 3, process service with business logic and objects) replaces at least some parameters in the parameterized statement with corresponding values from the client request to establish a fully qualified SQL statement (fig. 2, inbound document transaction (XML/RDF), the servlet sends the SQL statement to the database system for execution thereof (fig. 3, data service with relational database (col. 10, lines 10-37) .

As per claim 11, Sarkar teaches wherein the database system generates a response to the SQL statement and the method further comprises: sending the response to the client (col. 9, lines 62-63).

As per claim 12, Sarkar teaches the act of: converting the response to XML (an inbound document translation stage to perform the inverse operation on XML/RDF documents for understanding specified request from the buyer) (col. 9, lines 32-58).

As per claims 13-16, 23-26 and 30-32, Sarkar teaches wherein the servlet generates documentation and a test page in HTML, a service description, a document access definition and Extensible Markup Language Schema data at least partially based on the client request (col. 20, col. 21, lines 1-27).

As per claim 18, Sarkar teaches wherein: the middleware receives a client request for data (a purchase order, col. 9, line 35-38).

Claims 27 and 28 are rejected by the same rationale as state in independent claim arguments. Furthermore, Sarkar converting the response to XML if necessary (an inbound document translation stage to perform the inverse operation on XML/RDF documents for understanding specified request from the buyer) (col. 9, lines 32-58)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarkar (USP 6,418,448) in view of Barrick, Jr. et al (USP 6,625,647).

As per claims 7, 22 and 29 Sarkar teaches the request is sent via Hypertext Transfer Protocol (HTTP) (HTTP, col. 10, lines 15-16) in Extensible Markup Language (XML) (XML/RDF, col. 10, lines 17-37). Sarkar does not explicitly wherein the client request is one of the following: a SOAP request, an HTTP GET request, or an HTTP POST request. However, Barrick teaches the client request is one of the following specific command: a SOAP request, an HTTP GET request, or an HTTP POST request. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to allow users send a request in one of following: a SOAP request, an HTTP GET request, or an HTTP POST request because the HTTP GET request contains a performance parameters which can be determined measurements at the server (middleware) in order to send a quick response once a request is received (abstract).

Response to Arguments

Applicant's arguments filed 4/27/04 have been fully considered but they are not persuasive.

Applicant argued that Sarkar's system does not teach middleware and the XML/RDF does not teach SQL.

In response, the examiner respectfully submits that Sarkar does teach "middleware" as XML/RDF IntegrationMiddleware (fig. 3). The Examiner's position that XML/RDF also teaches SQL file. The present application claimed "the middleware

including at least one file" as a file (figure 14), "the file having at least one parameterized database query language statement" as `<q:select>... attribute="name2"/>` (fig.15) and SQL script is shown in XML/RDF in figure 15 (col. 20, lines 25-30). From the above passages, it is clear that Sarkar does indeed teaches the claimed language the middleware having a file and the file having parameterized statement.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sarkar teaches a request is sent via Hypertext Transfer Protocol (HTTP) (col. 10, lines 15-16). Sarkar does not explicitly wherein the client request is one of the following: a SOAP request, an HTTP GET request, or an HTTP POST request. However, Barrick teaches the client sends request in one of a **specific**: an HTTP GET request, or an HTTP POST request. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to allow users send a request in one of following: a SOAP request, an HTTP GET request, or an HTTP POST request because the HTTP GET request contains a performance parameters

which can be determined measurements at the server (process time and response time) in order to send a quick response once a request is received (abstract).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DEBBIE M LE** whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **JOHN BREENE** can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

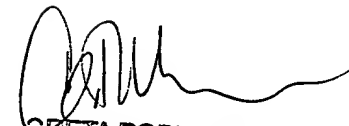
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le

June 30, 2004.



GRETA ROBINSON
PRIMARY EXAMINER